

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
OFFICE OF THE CLERK**

1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

www.ca4.uscourts.gov

Patricia S. Connor
Clerk

Telephone
804-916-2700

December 16, 2022

TRANSCRIPT ORDER ACKNOWLEDGMENT

No. 22-4689, US v. Diana Toebbe
3:21-cr-00049-GMG-RWT-2

This acknowledgment establishes a deadline for filing all transcript ordered from this court reporter. Please notify the court if arrangements are made for expedited filing of the transcript.

Court Reporter: Kate A. Slayden
Current Deadline: 01/23/2023
Proceedings: Sealed hearing of 11/07/2022 and Sentencing of 11/09/2022
Ordering Party(ies): Diana Toebbe

Counsel may request the transcript in either electronic or paper form. In multi-defendant CJA cases, electronic or paper copies of necessary transcript prepared for one defendant must be provided to co-defendants by the court reporter, co-counsel, or the district court clerk. Payment for transcript copies is claimed on a [CJA 24 voucher](#) and is limited to commercially competitive rates not to exceed \$.15 per page. For assistance in obtaining electronic copies of the transcript, see [Record Access for New Appellate Counsel](#) or contact the Fourth Circuit appointments deputy, Lisa McFarland.

Seven days have been added to the court reporter deadlines to permit appropriate financial arrangements to be completed.

If the district court has not yet acted on a request for transcript under the Criminal Justice Act, counsel should confirm that the CJA 24 application has been filed with the district court for approval by the judge.

If the transcript order is deficient or the CJA 24 application is not approved within 7 days of this acknowledgment, the court reporter must complete and file a [Transcript Order Deficiency Notice](#) with this court within 14 days of this acknowledgment. If the court reporter has grounds for an extension of time, a request for extension may be sought using the [Transcript Extension Request](#) form.

This court is notified of the filing of the **Appeal Transcript** in the district court through the district court's CM/ECF system. If the transcript is not filed by the due date, a transcript sanction takes effect, as provided in the [Guidelines for Preparation of Appellate Transcripts in the Fourth Circuit](#). If a transcript sanction is in effect, the court reporter must file a [Certification of filing of transcript/sanctions form](#) with this court at the time the transcript is filed with the district court, certifying that the appropriate sanction has been deducted from the transcript fee. Court forms are available for completion as links from this notice and at the court's web site, www.ca4.uscourts.gov.

Cathi Bennett, Deputy Clerk
804-916-2702

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

TRANSCRIPT ORDER DEFICIENCY NOTICE

No. 22-4689, US v. Diana Toebe
3:21-cr-00049-GMG-RWT-2

To permit confirmation of financial arrangements, including approval by the district court of the CJA 24 form, 7 days have been added to the period established by the transcript guidelines for filing of appellate transcript. If financial arrangements are not confirmed within 7 days or if there are other problems with the transcript order, the court reporter should, within 14 days of issuance of the transcript order acknowledgment, file a transcript order deficiency notice with the Court of Appeals identifying the problem. Copies of the deficiency notice will be sent via CM/ECF to the parties and the district court.

- ☐ **Transcript has previously been filed with district court. (specify)**
- ☐ **Not all requests on CJA 24 application were granted by district court. (specify)**
- ☐ **Motion for transcript at government expense has not been granted (28 U.S.C. § 753(f)).**
- ☐ **Satisfactory financial arrangements have not been made. (specify)**
- ☐ **Transcript order is unclear. (specify)**
- ☐ **Other (specify):**

Relief Requested: ☐ Rescission of filing deadline
☐ Extension of filing deadline to _____

Court Reporter:

Signature:

Date:

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

TRANSCRIPT EXTENSION REQUEST

No. 22-4689, US v. Diana Toebe
3:21-cr-00049-GMG-RWT-2

If an extension of time is needed to complete the transcript, the court reporter may file a Transcript Extension Request with the Court of Appeals at least 10 days in advance of the deadline, setting forth specific information in support of the request. Copies of the request shall be served on the parties to the case and the district court Reporter Coordinator. The granting of an extension also constitutes a waiver of sanctions through the date of the extension.

**Court Reporter: Kate A. Slayden
Current Deadline: 01/23/2023
Extension Requested to:**

As of this date, approximately pages have been completed and pages are yet to be transcribed. Justification is as follows:

- 1. Outstanding District Court transcripts ordered within 90 days of this request: Any pending appellate transcripts will be taken into consideration in deciding this request.**
- 2. In-Court Time: (give total days/hours by month)**
- 3. Travel: (give hours spent traveling to and from Court by month)**
- 4. Other: (please provide information you would like the Court to consider when reviewing your request. Please be aware that this information will be posted on the public docket.)**

**Signature:
Date:**

USCA4 Appeal: 22-4689

Doc: 10-2

Filed: 12/16/2022

Pg: 1 of 1

Total Pages:(5 of 5)

FOURTH CIRCUIT TRANSCRIPT ORDER FORM

Case Style United States v. Diana ToebeDist. Ct. No. 3:21-cr-00049District Norther District of West VirginiaDate Notice of Appeal filed 11/29/22Court of Appeals No. 22-4689Name of Court Reporter/Electronic Rec. (use separate form for each reporter) Kate SlaydenAddress of Reporter 217 W King St # 101, Martinsburg, WV 25401

Appellant must order any necessary transcript within 14 days of noting the appeal by completing a separate transcript order form for each reporter and a single order form for all electronic recordings requested, submitting the orders to the court reporters and the district court, and attaching copies to the docketing statement filed in the court of appeals. The transcript order form should not include requests for transcripts that are on file or are on order. The completed order form must show that necessary financial arrangements have been made. In CJA cases, counsel must certify that AUTH-24 requests have been submitted through the **district court's eVoucher system** for approval by the district judge. Once the transcript has been prepared, counsel also submits the CJA-24 voucher for payment in the district eVoucher system. For assistance, see [District eVoucher Contacts for Transcript Authorization and Payment](#).

In sentencing appeals, a transcript of the sentencing hearing must be ordered. In Anders appeals, plea (or trial) and sentencing transcript must be ordered, along with any necessary hearing transcripts (e.g., suppression hearings). In multi-defendant cases involving CJA defendants, only one original trial transcript should be purchased from the court reporter on behalf of CJA defendants, and copies should thereafter be made at commercially competitive rates not to exceed \$.15 per page. Co-defendants may obtain paper or electronic copies of prepared transcript from the court reporter, co-counsel, or the district court.

If appellee finds other parts of the proceedings necessary, appellee must designate the additional parts within 14 days after service of the transcript order. If appellant has not ordered the additional parts within 14 days, appellee may, within the following 14 days, order the additional parts or move in the district court for an order requiring appellant to do so.

Counsel must review transcript and notify the district court of any intention to direct redaction of personal data identifiers within 7 days of filing of the transcript, and thereafter submit a statement of redactions to the court reporter within 21 days of filing of the transcript, as required by the [Judicial Conference Policy on Privacy and Public Access to Electronic Case Files](#). Counsel should obtain full-size transcript from the court reporter, since condensed transcript may not be used in the appendix. Counsel should verify that the witness name and type of examination appear in the top margin of each page of testimony, as required for inclusion in the appendix on appeal. Local Rule 30(b).

A. This constitutes an order of the transcript of the following proceedings. Check appropriate box(es), provide date of hearing, and indicate total number of estimated pages. Specific CJA authorization is required for opening and closing statements, voir dire, and instructions.

PROCEEDING	HEARING DATE(S)
<input type="checkbox"/> Voir Dire	_____
<input type="checkbox"/> Opening Statement (Plaintiff)	_____
<input type="checkbox"/> Opening Statement (Defendant)	_____
<input type="checkbox"/> Closing Argument (Plaintiff)	_____
<input type="checkbox"/> Closing Argument (Defendant)	_____
<input type="checkbox"/> Opinion of Court	_____
<input type="checkbox"/> Jury Instructions	_____
<input checked="" type="checkbox"/> Sentencing	<u>11/9/2022</u>
<input type="checkbox"/> Bail Hearing	_____
<input type="checkbox"/> Pre-Trial Proceedings (specify)	_____
<input type="checkbox"/> Testimony (specify)	_____
<input checked="" type="checkbox"/> Other (specify)	<u>Sealed hearing on 11/7/2022</u>
TOTAL ESTIMATED PAGES <u>152</u>	

B. ☐ Expedited transcript completion requested within ☐ 14 days ☐ 7 days ☐ 3 days.

C. I certify that I have contacted the court reporter (or court reporter coordinator if electronic recording) and satisfactory financial arrangements for payment of the transcript have been made as follows:

- ☐ Private funds. (Deposit of \$ _____ enclosed with court reporter's copy. Check No. _____.)
- ☒ CJA AUTH-24 request submitted in district eVoucher system.
- ☐ Government expense (civil case--IFP). Motion for transcript at government expense is pending with district judge.
- ☐ Advance payment waived by court reporter. Payment in full is due upon receipt of transcript.
- ☐ Federal Public Defender - no CJA 24 authorization necessary.
- ☐ United States appeal.

D. Transcript is requested in ☐ paper format ☒ electronic format

Signature /s/ Jessica CarmichaelTyped Name Jessica CarmichaelAddress 108 N Alfred Street, First Floor, Alexandria, VA 22314Email jessica@carmichaellegal.comTelephone No. (703) 684-7908Date Sent to Reporter 12/15/22